

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAN BOK WON and
ZOO YOUNG WON,
Husband and Wife,

Plaintiffs,

vs.

No. CIV 08-0985 JB/LAM

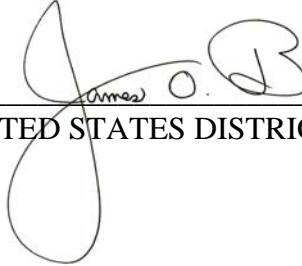
CITY OF ALAMOGORDO;
ARTHUR ALTERSON, and
LORA NELSON,
In their official and individual capacities,

Defendants.

ORDER

THIS MATTER comes before the Court on the Plaintiffs' Motion to Amend Complaint and Remand Case to the State Court, filed December 30, 2008 (Doc. 21). The primary issues are: (i) whether the Court should allow the Plaintiffs, Man Bok Won and Zoo Young Won, to amend their Complaint; and (ii) whether the Court should remand the case to state court. Because the Court has dismissed all of the Wons' claims, because the Court does not have jurisdiction over the Wons' future claims, because the Wons now seek compensatory damages allegedly caused by the Defendants' condemning the Wons' property in violation of the New Mexico Constitution and Eminent Domain Code, and because the Wons wish to amend their Complaint to advance only the condemnation action, which is a purely state-law cause of action, the Court will deny the motion. There are no claims currently pending in federal court, and the Wons seek to amend to add only state claims, over which the Court would not have jurisdiction. Accordingly, there is no reason to keep the case in federal court for any further proceedings.

IT IS ORDERED that the Plaintiffs' Motion to Amend Complaint and Remand Case to the State Court is denied.



UNITED STATES DISTRICT JUDGE

Counsel:

Man Bok Won
Zoo Young Won
Anaheim, California

Pro se Plaintiffs

James P Sullivan
Christina L Brennan
Brennan & Sullivan PA
Santa Fe, New Mexico

Attorneys for the Defendants